



**Montana Department of
ENVIRONMENTAL QUALITY**

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Libby 041
1258952 - R8 SDMS

Brian Schweitzer, Governor

April 8, 2010

Ms. Carol L. Campbell
Assistant Regional Administrator
Office of Ecosystem Protection and Remediation
1595 Wynkoop Street
Denver, Colorado 80202-1129

RECEIVED
U.S. EPA Region 8
RA's Office

APR 12 2010

Re: Record of Decision, Operable Unit 1

Dear Ms. Campbell:

Thank you for providing the Montana Department of Environmental Quality (DEQ) the opportunity to comment on the draft Record of Decision (ROD) for Operable Unit 1 of the Libby Superfund Site. DEQ appreciates its continued relationship with EPA and the efforts of EPA to work with the community of Libby, especially the Libby City Council and the City/County Health Department, regarding the remedial actions and future development at OU1. The department believes that the Selected Remedy for OU1 will reduce the risk to the public health and to the environment, and I encourage your team to design and implement this remedy as soon as practical.

The department recognizes the Libby community support for an interim ROD in the absence of a completed risk assessment. If EPA does not utilize an interim ROD as the mechanism for triggering future review, the department believes that this remedy must be reviewed when the site-wide risk assessment is completed to determine whether any modifications to the Selected Remedy are necessary.

To ensure that the subsequent review of the Remedy will occur is clear in the ROD, the DEQ requests the following changes in Part 1, Declaration, of the OU1 ROD:

Statement of Basis and Purpose

Insert at the end of the last sentence: "will reduce the public health risks by blocking contaminant pathways to the available receptors. However, the Selected Remedy must be re-evaluated when the site-wide risk assessment is completed."

Description of Selected Remedy

Add a closing sentence: "When the site-wide risk assessment is completed, the institutional controls will be revisited to determine whether any modification is needed."

ROD Data Certification Checklist

Add a closing sentence: "Once a qualitative site-wide risk assessment is completed and a cleanup level is established, the ROD for this OU will be appropriately modified. The modified OU will include this new information and will incorporate all necessary remedial actions, modifications of the institutional controls and modifications to operation and maintenance plans in order to properly manage the residual contamination in a manner that will protect human health and the environment. The quantitative risk assessment will use 1×10^{-5} as the minimum "acceptable" risk."

Lastly, a new section must be added along the lines of the following:

"Future Public Comment

When the site-wide risk assessment is complete, the agencies will re-evaluate the Selected Remedy and determine the need for modification. This determination will be published and an opportunity for public comment will be provided. Similar opportunities for public comment will be provided at the time of the subsequent 5-year reviews."

Other agency comments are minor in nature and will be communicated directly to the OU1 project officer by my staff.

Please contact me or Larry Scusa at (406) 841-5000, if you have any questions or comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandi Olsen".

Sandi Olsen, Administrator
Remediation Division

Cc: Richard Opper
Bill Murray
Larry Scusa
Dick Sloan